

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

IN THE MATTER OF THE
CRIMINAL COMPLAINT OF:

Erick BACA-Rueda

Case No. 2:24-mj-351

**AFFIDAVIT OF JOSEPH P. OTTJEPKA IN
SUPPORT OF CRIMINAL COMPLAINT**

I, United States Immigration and Customs Enforcement (ICE) Deportation Officer, Joseph Ottjepka, being first duly sworn, depose and state as follows:

1. I am a Deportation Officer with more than twenty-two years of experience as an Immigration Agent with United States Immigration and Customs Enforcement (ICE). I am assigned to the Columbus, Ohio Office of Enforcement and Removal Operations. I have investigated both criminal and administrative matters involving aliens in the United States. I have successfully completed the Immigration Officer Basic Training Course at the Federal Law Enforcement Training Center (FLETC) at Glynco, GA.
2. During the course of investigating Erick BACA-Rueda, I have learned the following facts:
3. Erick BACA-Rueda is a citizen of Honduras and is not a citizen of the United States.
4. On October 11, 2016, Erick BACA-Rueda was convicted in the 24th Judicial Court, Parish of Jefferson – State of Louisiana of Aggravated Battery (F-3) in violation of LaR.S.14:34 in that he did commit a battery with a dangerous weapon; to wit: a cutting instrument. (Case # 16-03987). Erick BACA-Rueda was sentenced by the court to imprisonment at hard labor for a term of 1 year.
5. On April 28, 2017, Erick BACA-Rueda was issued a Final Administrative Removal Order by an Assistant Field Office Director (AFOD) of the Department of Homeland Security at Jena, Louisiana. Erick BACA-Rueda was charged with section 101(a)(43)(F) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(43)(F); in that Erick BACA-Rueda is

deportable as an alien convicted of an aggravated felony pursuant to 237(a)(2)(A)(iii) of the INA. Erick BACA-Rueda is ordered removed from the United States to Honduras on April 28, 2017.

6. On June 02, 2017, Erick BACA-Rueda was removed from the United States to Honduras via airlines at Alexandria, Louisiana pursuant to the Final Administrative Removal Order. Erick BACA-Rueda's removal was documented on ICE Form I-205, Warrant of Removal/Deportation. Erick BACA-Rueda was served with Form I-294, Warning to Alien Ordered Removed or Deported on May 02, 2017, prohibiting him from entering, attempting to enter, or being in the United States at any time because he has been found deportable under section 237 of the Act, and ordered deported from the United States, and have been convicted of a crime designated as an aggravated felony, as defined under section 241(a)(5) of the INA.
7. Erick BACA-Rueda was recently arrested on June 23, 2024 by the Columbus Police Department at Columbus, Ohio for the offense of Domestic Violence and was released pending hearings in the Franklin County Municipal Court at Columbus, Ohio. (Case # 2024CRB 010413). Biometric and records checks confirmed that Erick BACA-Rueda has been previously ordered removed from the United States on April 28, 2017, and has been previously removed pursuant to that order on June 02, 2017. Erick BACA-Rueda did not receive permission from the Attorney General of the United States, or the Secretary of the United States Department of Homeland Security before this re-entry into the United States.

Your Affiant submits the above facts to establish probable cause for a violation of 8 U.S.C. §§ 1326(a), and 8 U.S.C. §§ 1326(b)(1) , an alien who: (1) has been denied admission, excluded, deported, or removed, or has departed the U.S. while an order of exclusion, deportation or removal is outstanding following a conviction for an aggravated felony; (2) thereafter entered, attempted to enter, or at any time was found in the U.S.; and (3) did not have consent from the Attorney General to reapply for admission to the U.S. prior to either his re-embarkation at a place outside the U.S. or his application for admission from a foreign contiguous territory.

Joseph Ottjepka
Joseph Ottjepka
Deportation Officer
Immigration and Customs Enforcement

Sworn before me and subscribed in my presence on this 16th
day of July.

Chelsey M. Vascura
Hon. Chelsey M. Vascura
UNITED STATES MAGISTRATE JUDGE
United States District Court for the Southern District of Ohio